

REMARKS/ARGUMENTS

Amendments

The claims are modified in the amendment. More specifically, claims 1, 20, and 33 have been amended. Therefore, claims 1-35 are present for examination. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

35 U.S.C. §103 Rejections, Rodriguez in view of Garfinkle

The Office Action rejected claims 1-3,6, 7-14, 16-22, 25-28, 30-33, and 35 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent Publication No. 2003/0005447 to Rodriguez ("Rodriguez") in view of the cited portions of U.S. Patent No. 5,400,402 to Garfinkle ("Garfinkle"). In light of the amendments to independent claims 1, 20, and 33, the Applicants respectfully believe these claims are well distinguished over the cited references. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejections to the claims 1, 20, and 33 and their respective dependent claims 2, 3,6, 7-14, 16-19, 21, 22, 25-28, 30-33, and 35.

35 U.S.C. §103 Rejections, Rodriguez in view of Garfinkle and further in view of Cragun and Casement and Larocca

The Office Action rejected claims 4 and 23 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Rodriguez in view of Garfinkle and further in view of the cited portions of U.S. Patent No. 5,973,683 to Cragun et al. ("Cragun"). Claims 4 and 23 are allowable for at least the reasons that their respective parent claims are. The Office action has rejected claims 5, 15, 24, 25, and 29 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Rodriguez in view of Garfinkle and further in view of the cited portions of U.S. Patent No. 6,144,401 to Casement et al. ("Casement"). Claims 5, 15, 24, 25, and 29 are allowable for at least the reasons that their respective parent claims are. The Office Action

Appl. No. 10/824,625
Amdt. dated November 19, 2008
Amendment under 37 CFR 1.114
Request for Continued Examination

PATENT

rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Rodriguez in view of Garfinkle and further in view of the cited portions of U.S. Patent No. 6,314,572 to Larocca et al. ("Larocca"). Claim 34 is allowable for at least the reasons that its respective parent claim is.

Double Patenting Rejection

The Office Action has provisionally rejected claims 1 and 8-12 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 14, 15-20, and 28 of co-pending Application No. 10/300,723 of Sie. Applicants will address this rejection should Application 10/300,723 ever ripen into an issued patent.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/David B. Wilson/
David B. Wilson
Reg. No. 57,816

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

DBW:jep
61695179 v2